

Message Text

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ACTION EA-09

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FM AMEMBASSY MANILA

TO SECSTATE WASHDC 9124

INFO AMEMBASSY JAKARTA

AMEMBASSY SEOUL

AMEMBASSY TOKYO

C O N F I D E N T I A L MANILA 15475

EEE.O. 11652: GDS

TAGS: ELAB, RP

SUBJECT: NEW LABOR DECREE IMPOSES TOTAL STRIKE BAN, CURTAILS
FOREIGN ENGAGEMENT IN TRADE UNIONISM

BEGIN SUMMARY: PRESIDENT MARCOS HAS ISSUED ORDER INSTITUTING
TOTAL BAN ON STRIKES AND LOCKOUTS. ADDITIONALLY, NEW LABOR
DECREE PROHIBITS ALL FOREIGNERS FROM ENGAGING IN TRADE UNION
ACTIVITIES, WITHOUT PREJUDICE, HOWEVER, TO NORMAL RELATIONS
BETWEEN PHILIPPINE TRADE UNIONS AND "RECOGNIZED INTERNATIONAL
LABOR CENTERS". AAFI ACTIVITIES WILL THUS NOT BE THREATENED.
LABOR SECRETARY OPLE TOLD LABATT THAT PRESIDENT MARCOS HAD
WANTED TIGHTEN UP NO-STRIKE PROVISIONS - IMPOSED SINCE
MARTIAL LAW - WHICH HE BELIEVED LEFT LARGE LOOPHOLE WHICH
"OPPOSITION LAWYERS" COULD TAKE ADVANTAGE OF IF TESTED IN
COURTS. DEMOCRITO MENDOZA, CURRENTLY SENIOR LABOR LEADER
IN COUNTRY, CONFIDED TO EMBASSY HIS INITIAL REACTION TO
DECREE POSTIVE. FULL IMPACT OF NEW DECREE CANNOT BE
ASSESSED UNTIL IMPLEMENTING RULES AND REGULATIONS DRAFTED
AND ISSUED. CLAMP-DOWN ON SOCIAL ACTION LABOR ACTIVITIES
WILL AFFECT MAY RELIGIOUS ACTIVISTS, INCLUDING AMERICAN
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JESUITS AND MARYKNOLLERS. END SUMMARY.

1. ALL MORNING NEWSPAPERS NOVEMBER 4 HEADLINED PRESIDENT MARCOS' ORDER INSTITUTING TOTAL BAN ON STRIKES AND LOCK-OUTS "TO PROMOTE INDUSTRIAL PEACE THROUGH VOLUNTARY OR COMPULSORY ARBITRATION." PRESIDENTIAL DECREE NO. 823, DATED NOVEMBER 3, 1975, IS MORE SWEEPING THAN GENERAL ORDER NO. 5 (ISSUED IN OCTOBER 1972, FOLLOWING IMPOSITION MARTIAL LAW) WHICH PROHIBITED STRIKES ONLY IN "CERTAIN VITAL INDUSTRIES." UNDER NEW DECREE, TERM "STRIKE" INCLUDES CONCERTED WORK STOPPAGES, SLOWDOWNS, MASS LEAVES, SITDOWNS, ATTEMPTS TO DAMAGE, DESTROY OR SABOTAGE PLANT EQUIPMENT AND FACILITIES, AND SIMILAR ACTIVITIES. TERM "LOCKOUT" INCLUDES SHUTDOWNS, MASS RETRENCHMENT AND DISMISSALS WITHOUT PREVIOUS WRITTEN CLEARANCE FROM THE SECRETARY OF LABOR.

2. ADDITIONALLY, NEW DECREE PROHIBITS "ALL ALIENS AS WELL AS FOREIGN ORGANIZATIONS, FROM ENGAGING DIRECTLY OR INDIRECTLY IN ALL FORMS OF TRADE UNION ACTIVITIES, WITHOUT PREJUDICE, HOWEVER, TO NORMAL CONTACTS BETWEEN PHILIPPINE TRADE UNIONS AND RECOGNIZED INTERNATIONAL LABOR CENTERS." ACCORDING GOP ANNOUNCEMENT, THIS PROHIBITION WAS ISSUED FOLLOWING INTERVENTION BY SOME ITALIAN PRIESTS AND NUNS DURING LA TONDENA DISTILLERY SITDOWN STRIKE ON OCTOBER 25. SAME PROHIBITION DOES NOT APPLY TO FILIPINO PRIESTS AND NUNS. FOREIGNERS WHO VIOLATE DECREE "SHALL BE SUBJECT TO IMMEDIATE AND SUMMARY DEPORTATION", ANNOUNCEMENT DECLARES.

3. P.D. 823 ALSO STIPULATES THAT EXCEPT IN CASE COMMISSION OF CRIME OR ON GROUNDS NATIONAL SECURITY AND PUBLIC PEACE, NO UNION MEMBER OR UNION ORGANIZER MAY BE ARRESTED OR DETAINED FOR UNION ACTIVITIES WITHOUT PREVIOUS CONSULTATION WITH SECRETARY OF LABOR. FINALLY, SECRETARY OF LABOR IS EMPOWERED ISSUE REGULATIONS IMPLEMENTING PROVISIONS OF DECREE, WHICH SHALL FORM PART OF LABOR CODE.

4. DURING MEETING WITH LABATT NOVEMBER 4, LABOR SECRETARY BLAS OPLE COMMENTED AS FOLLOWS. WHILE DE FACTO BAN ON ANY STRIKE ACTIVITY ADMITTEDLY HAD EXISTED SINCE START MARTIAL LAW, PRESIDENT HAD WANTED TIGHTEN UP NO-STRIKE
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LANGUAGE IN GENERAL ORDER NO. 5 WHICH HE BELIEVED LEFT LARGE LOOPHOLE WHICH "OPPOSITION LAWYERS" COULD TAKE ADVANTAGE OF IF TESTED IN COURTS. AS OPLE PUT IT, NEW DECREE WAS A MORE SOLID LEGAL DOCUMENT. PROHIBITION AGAINST FOREIGN ENGAGEMENT IN TRADE UNIONISM WAS INSERTED TO CURB ACTIVITIES THOSE ACTIVIST FOREIGN PRIESTS AND NUNS WHO HAVE BEEN PROMOTING LABOR UNREST AND ENTICING WORKERS TO BREAK THE LAW. HE SPECIFICALLY MENTIONED FR.

MAURI (ITALIAN JESUIT) OF SUGARWORKER FAME. OPLE HASTENED ADD THAT AAFLI CERTAINLY FELL WITHIN CATEGORY "RECOGNIZED INTERNATIONAL LABOR CENTER" AND ITS LABOR EDUCATION EFFORTS WOULD NOT BE PREJUDICED BY NEW DECREE. IT WAS HOPED THAT NEW PROTECTION FRO UNION MEMBERS AND ORGANIZERS WOULD PUT BRAKE ON CASES OF ARBITRARY ARRESTS, ESPECIALLY IN PROVINCES. IN LATTER CONNECTION,, OPLE PLANNED GET TOGETHER WITH SECDEF PONCE ENRILE FOR PURPOSE ISSUING JOINT LETTER OF INSTRUCTION TO PROVINCIAL PC COMMANDERS REGARDING IMPLEMENTATION NEW DECREE.

5. DEMOCRITO MENDOZA, CURRENTLY SENIOR LABOR LEADER IN COUNTRY (OCA DUE RETURN FROM U. . NOVEMBER 5), CONFIDED TO LABATT NOV 4 THAT HIS INITIAL REACTION TO NEW LABOR DECREE WAS POSITIVE. OBVIOUSLY, HE HAD NEVER BEEN HAPPY ABOUT STRIKE BAN, BUT NEW LANGUAGE MERELY NAILED DOWN WHAT HAD BEEN DE FACTO SITUATION. WITH RESPECT "FOREIGN MEDDLING" IN LABOR,MENDOZA SAID HE HAD LONG OPPOSED TENDENCY SOME ACTIVIST FOREIGN PRIESTS TO ABUSE THEIR "PRIVILEGED POSITION". PROTECTION AGAINST ARREST AFFORDED TRADE UNIONISTS WAS WELCOME, FOR MILITARY AND INTELLIGENCE ELEMENTS IN PROVINCES WERE OFTEN VERY HEAVY-HANDED WITH LABOR MOVEMENT. FINALLY, MENDOZA EXPRESSED OPIONION OPLE HAD MASTERMINDED NEW DECREE, ELEMENTS OF WHICH OPLE HAD MENTIONED TO HIM AND TO OCA AS EARLY AS GENEVA LAST SUMMER.

6. COMMENT: FULL IMPACT OF NEW LABOR DECREE CANNOT BE ASSESSED UNTIL IMPLEMENTING RULES AND REGULATIONS HAVE BEEN DRAFTED AND ISSUED. INTERESTING NOTE THAT MAROCS PERHAPS MORE CONCERNED ABOUT POTENTIAL POLITICAL TROUBLEMAKERS AMONG OPPOSITION ELEMENTS THAN ABOUTWOULD-BE STRIKERS IN LABOR MOVEMENT. AS SUGGESTED EARLIER, DE FACTO BAN ON STRIKES IMPOSED WITH ADVENT MARTIAL LAW HAS UNTIL NOW BEEN CONFIDENTIAL

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MOST EFFECTIVE.HOWEVER, GOVERNMENT OBVIOUSLY DECIDED IT COULD NOT AFFORD IGNORE POTENTIALLY DANGEROUS PRECEDENT SET BY BRIEF SITDOWN STRIKE AT LA TONDENA. HAD GOP NOT TIGHTENED STRIKE BAN. CHANCES ARE STRIKE ACTIVITY WOULD HAVE MUSHROOMED.

7. WITH RESPECT NEW EXPLICIT PROHIBITION AGAINST "FOREIGN MEDDLING" IN LABOR AFFAIRS, THIS HAS BEEN BUILDING UP STEAM FOR SOME TIME NOW (SEE MANILA A-295). GOP HAS BECOME INCREASINGLY ANNOYED WITH FOREIGN RELIGIOUS ACTIVISTS INTERFERING IN SUCH MATTERS AS UNION CERTIFICATION ELECTIONS, BOTH IN MANILA AND AMONG SUGARWORKERS IN NEGROS. LA TONDENA EPISODE WAS APPARENTLY STRAW THAT BROKE CAMMEL' BACK. IT APPEARS GOP NOW PREPARED CLAMP DOWN ON ANY SOCIAL ACTION LABOR ACTIVITIES INVOLVING FOREIGN PRIESTS

AND NUNS. THIS WILL AFFECT MANY FOREIGN ACTIVISTS AMONG
THE RELIGIOUS ORDERS, INCLUDING SOME AMERICAN JESUITS AND
MARYKNOLLERS. DEPENDING UPON HOW TRADE UNION ACTIVITY IS
DEFINED, THIS COULD HAVE BROAD, NEGATIVE IMPACT ON WORK OF
FOREIGN ORDERS AND FUNDAMENTAL EFFECT ON THEIR COMMITMENT
TO SOCIAL JUSTICE, AND POSES REAL THREAT OF CONFRONTATION
WHICH BOTH GOVERNMENTS AND FOREIGN ORDERS WILL EYE CAREFULLY.
AAFLI ACTIVITIES, HOWEVER, WILL NOT BE THREATENED. SULLIVAN

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